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THE SECOND PEACE CONFERENCE.

BY M. W. HAZELTINE.

JUST as there are hearts so light that their enviable possessors can be jolly under all circumstances, so it is possible to take an optimistic view of the outcome of the second Peace Conference. Mr. W. T. Stead, for instance, who was an onlooker at The Hague, writing to the London "Tribune," avows himself an optimist. He goes so far as to describe the second attempt to hold a "Parliament of Man" as a success, and even asserts that the addition of delegates from all the Latin-American commonwealths has proved an unqualified advantage. If, he says, the Conference has failed to achieve some of its projects, that failure does not lie at the door of Latin-America. On the other hand, Mr. Alfred Stead, writing to the London "Times," maintains that, by the inclusion of the Latin-American delegates, the second Peace Conference was doomed to impotence and derision, and predicts that there will never be another conference, unless it shall be organized on a very different principle, to wit, the assumption that nations are not equal but unequal, differing vastly in respect of area, population, wealth and enlightenment, and consequently entitled to proportionate voting power. The London "Guardian," on its part, seems to speak for a large majority of British newspapers, when it says that, while the Governments which sent delegates to the Conference were ready enough to do lip-service to humanitarianism, and to emit sentimental aspirations, they were not prepared to sacrifice a jot of the practical advantages of which international law, as it stands, places them in possession. It is, perhaps, too early to decide whether the results of the Conference held this year at The Hague should be regarded with dismay or with complacency, but it seems to us that a review of what the spokesmen of the nations

accomplished, and of what they failed to do, will not tend to encourage those who have looked forward to the promotion of peace and to the humanization of warfare.

I.

The first Hague Conference met on May 18th, and lasted 72 days, adjourning on July 29th, 1899. The second Hague Conference, which met on June 15th of the present year, adjourned on October 19th, thus having covered a period of 126 days. The first Conference contained representatives of 26 States; the second of 44, the additional delegates coming from Latin America and the new Kingdom of Norway. The first Conference divided itself into three Commissions, the second into four. The "*Acte Final*" of the first Conference reported three Conventions, made three Declarations and uttered six "*Vœux*," or pious wishes. The "*Acte Final*" of the second Conference comprises thirteen Conventions, four Declarations and three "*Vœux*." We shall here outline some of the more interesting conventions and declarations, premising that only two of them received unanimous assent, namely, the one applying to maritime warfare the latest rules prescribed by the Geneva Convention for land warfare; and the one establishing an international prize court. There seems to be no doubt that the former will be ratified by all the Powers participating in the Conference, but there is reason to believe that, although the convention creating an international prize court was signed by the British delegates, the British Government will hesitate to sanction it in the form proposed. An influential British newspaper denounces as cynical effrontery the proposal to establish an international prize court which would rob Great Britain, the greatest of maritime nations, of her commanding position by subjecting her captures of contraband to the review of a tribunal, which, as being composed of fifteen judges, would be little better than a juridical *ménagerie*. We concur in the opinion that the spectacle of a half-breed lawyer from Central or South America deciding upon the justice of a British seizure would be ludicrous in any case; but when it is proposed that he and his colleagues shall administer a law elaborated by them as they go along, based upon precedents of their own creation or upon no precedents at all, the folly of the whole proceeding becomes patent. As for the other substantive work of the Con-

ference, whether it took the form of a convention or a declaration, it will, of course, if ratified, be binding only on the signatories as toward each other, and not as against non-signatory Powers.

A declaration regarding the prohibition of dropping projectiles or explosives from balloons provides that, for a period extending to the end of the third Peace Conference, the signatory Powers agree to the prohibition against hurling projectiles and explosives by dropping them from balloons, or by new methods of a similar character. It may be recalled that the first Hague Conference declared itself not only against the launching of explosives from aërial vehicles, but also against the use of asphyxiating shells. or of the dum-dum bullet. The action of the second Conference in the matter of submarine mines is stigmatized as the exhibition of a peculiarly nauseous type of hypocrisy. What happened during the Japanese War and afterwards demonstrated the merciless havoc which may be worked to all manner of neutral or non-combatant shipping by the abominable practice of sowing the seas broadcast with floating mines. Fairly stringent restrictions on the use of such engines of destruction were originally proposed; but a sub-committee, upon which Great Britain was not represented, reconstructed them, and concluded a mines convention which leaves untouched liberty of indiscriminate devastation.

II.

A convention concerning the rights and duties of neutral Powers and persons, in case of land warfare, provides that the territory of neutral Powers is inviolable. Belligerents are prohibited from moving across the territory of a neutral Power troops or convoys of munitions or provisions—there is no doubt that Japan violated the neutrality of Corea during her late war with Russia. The responsibility of a neutral Power, however, is not involved by the fact that individuals cross its frontier singly in order to take service with a belligerent. Neither is a neutral Power required to prevent the export or transit of arms, munitions or anything that may be useful to an army or a fleet for the account of a belligerent. A neutral Power which receives in its territory troops belonging to belligerent armies shall intern them at the farthest possible distance from the theatre of war, and, in default of a special convention, shall provide the interned men with provisions, clothing and the assistance dictated

by humanity. On the conclusion of peace, the outlay will be refunded to the neutral Government by the belligerent concerned.

Under the head of the rights and duties of neutrals, it is also to be noted that belligerents are prohibited from doing what Russia did in the recent Far Eastern War, namely, installing a radio-telegraphic station on the territory of a neutral Power. An attempt to safeguard the interests of neutrals is also made in a convention relating to the opening of hostilities, which provides that the Powers signing and ratifying the suggested agreement shall recognize that hostilities between them shall not begin without previous unequivocal warning, which shall take the form either of a declaration of war with reasons assigned, or of an ultimatum accompanied by a conditional declaration of war. A state of war shall, moreover, be notified without delay to neutral Powers that are parties to the proposed convention, and in respect of them shall only have effect after the receipt of a notification which may be made by telegraph.

III.

It is well known that, at Mr. Choate's suggestion, the Conference of 1907 added the words "and desirable" to the avowal of the former Conference that the employment of mediative or other pacific means by third parties to avert a threatened war would be "useful." On the other hand, in the case of the proposed International Commissions of Inquiry, the opposition was led by Sir Edward Fry, the head of the British delegation, who blocked the attempt of Russia to introduce an agreement to constitute such a commission when matters of fact should be in dispute. The Second Conference would only commit itself to the mild expression of an opinion that it would be useful so to do. General Porter's proposal that force shall not be used for the collection of contractual debts until the justice of the claim shall have been affirmed by an arbitral tribunal obtained 39 votes out of the possible 44, and, so far as the States signing and ratifying are concerned, it constitutes the one substantial change for the better made in international law by the Second Conference, considered as an instrument of international peace.

It is probable that Mr. Choate's advocacy of a permanent court of arbitration to be organized and established at The Hague would have been successful, had not the head of the Brazilian

delegation insisted that every one of the forty-four Powers which had sent spokesmen to the Conference should be represented on the projected tribunal. It might have been foreseen that Germany and other great Powers would not consent to have their policies settled for them by the votes of decayed Oriental States like Turkey or Persia, or by insignificant South-American republics.

IV.

There is a good deal of force in the reasons adduced in the letter to the London "*Times*," by Mr. Alfred Stead, for asserting that the Third Peace Conference, should one ever be called, ought to be organized on a different principle. In the present Conference, each of the 44 Powers represented had an equal voice, irrespective of the magnitude of its area, population, wealth or civilization. Mr. Alfred Stead holds that, while the small negro republic of Hayti might be permitted to have a voice in an international assembly, its voice ought not to have the same weight as that of the British or the German Empire; that, in other words, its voting strength should be proportioned to the size of its territory, population, wealth or enlightenment, or to all of these factors of national greatness combined. The process of graduating voting power to physical, intellectual and economic qualifications would be a delicate and difficult one, though it is possible that a function which a single Government might shrink from undertaking might be discharged less invidiously by a committee of great Powers.

Perhaps the easiest way of solving the problems which were not solved at The Hague would be to substitute for an ecumenical conference a Congress of the Great Powers, modelled on that which was held at Paris in 1856. In that body only two secondary countries, namely, Turkey and Sardinia, were represented outside of the Great Powers, then five in number, whereas there are now eight, to wit, Germany, France, Great Britain, Russia, Austria, Italy, the United States and Japan. The declarations and agreements of such a Congress, while binding only on the participants, and only upon them with reference to each other after signature or ratification, would be clothed with high moral authority, and most, if not all, of the non-participating Powers would probably accede to them.

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